



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

ELITE HEALTHCARE GARLAND

Respondent Name

FIDELITY & GUARANTY INSURANCE

MFDR Tracking Number

M4-14-0949-01

Carrier's Austin Representative

BOX NUMBER: 19

MFDR Date Received

NOVEMBER 22, 2013

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The Office Visit for the attached date of service, 07/30/2013, was denied. The reason stated for the denial was, '(4) THE PROCEDURE CODE IS INCONSISTANT WITH THE MODIFIER USED OR A REQUIRED MODIFIER IS MISSING.' The modifier attached to this code is appropriately used. The patient completed therapy on this day proceeding the OV which is separate from the therapy itself. Also according to TDI guidelines Rule 129.5, an injured worker is to be present to sign a DWC Work Status Form 73. Office visits are recommended by ODG Guidelines. They are vital to addressing the patients' functional ability, as well as to any recommendation that needs to be addressed. I have attached the original claim with the original date that it was sent... I have attached all necessary documentation..."

Amount in Dispute: \$119.22

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "In this MFDR claim, the explanation of benefits (EOB) provides explanation code 4 that the procedure code is inconsistent with the modifier used or a required modifier is missing. The reconsideration EOB provides explanation code 15 that payer deems the information submitted does not support this level of service. The provider billed for an office visit (CPT Code 99213) and included modifier 25 to differentiate it from the other services provided on July 30, 2013. The provider argues that this office visit was necessary to complete the DWC-73 submitted that day. There is no evidence that a DWC-73 was necessary on July 30, 2013. DWC Rule 129.5(d) requires that work status reports be filed, '(1) after the initial examination of the employee, regardless of the employee's work status; (2) when the employee experiences a change in work status or a substantial change in activity restrictions; and (3) on the schedule requested by the insurance carrier.' No evidence has been presented that this was the initial examination, that there was a change in work status, or that this was on the schedule requested by the insurance carrier. No information has been submitted to show the necessity of the office visit for the DWC-73 and the use of modifier 25. Absent documentation of necessity, the request for reimbursement of the separate office visit charge should be denied."

Response Submitted by: The Law Office of Ricky D. Green, PLLC

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
July 30, 2013	99213-25	\$119.22	\$112.25

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. Former 28 Texas Administrative Code §133.307, 33 *Texas Register* 3954, applicable to requests filed on or after May 25, 2008, sets out the procedures for resolving medical fee disputes filed prior to June 1, 2012
2. 28 Texas Administrative Code §134.203 sets out the reimbursement guidelines for E/M services

The services in dispute were reduced/denied by the respondent with the following reason codes:

- 4 – The procedure code is inconsistent with the modifier used or a required modifier is missing.
- 15 – This payer deems the information submitted does not support this level of service.

Issues

1. Did the requestor meet the requirements of 28 Texas Administrative Code §134.203?
2. Is the requestor entitled to reimbursement?

Findings

1. 28 Texas Administrative Code §134.203(b)(1) states, in pertinent part, "for coding, billing reporting, and reimbursement of professional medical services, Texas Workers' Compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; ... and other payment policies in effect on the date a service is provided..." Review of the submitted documentation finds that the requestor performed an office visit for the evaluation and management of an established patient. The American Medical Association (AMA) CPT code description for 99213 is:

Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: An expanded problem focused history; An expanded problem focused examination; Medical decision making of low complexity. Counseling and coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of low to moderate severity. Typically, 15 minutes are spent face-to-face with the patient and/or family.

The 1997 Documentation Guidelines for Evaluation & Management Services is the applicable Medicare policy. It describes the documentation requirements for the service in dispute. Review of the documentation finds the following:

- Documentation of the Expanded Problem Focused History
 - History of Present Illness (HPI) consists of one to three elements of the HPI. Documentation found listed one chronic condition, thus this component was met.
 - Review of Systems (ROS) inquires about the system directly related to the problem(s) identified in the HPI. Documentation found one system: musculoskeletal. This component was met.
 - Past Family, and/or Social History (PFSH) are not applicable.
 - Documentation of a Expanded Problem Focused Examination:
 - Requires limited examination of the affected body area or organ system and other symptomatic or related organ systems. The documentation found examination of one system: musculoskeletal. This component was met.
2. For the reasons stated above, the services in dispute support the office visit and reimbursement is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement is due. As a result, the amount ordered is \$112.25.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$112.25 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	July 22, 2014
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.